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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,941	12/18/2000	Piotr Cofta	460-010020-US (PAR)	4785

7590

07/07/2004

Clarence A. Green  
PERMAN & GREEN, LLP  
425 Post Road  
Fairfield, CT 06430

EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT

PAPER NUMBER

2136

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/739,941

Applicant(s)

COFTA ET AL.

Examiner

Pramila Parthasarathy

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/18/2000
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to the application filed on 12/18/2000. Claims 1 – 10 were received for consideration. Preliminary amendments to the claims were filed on 12/18/2000. Claims 1 – 10 are currently being considered.

### ***Information Disclosure Statement***

2. An initialed and dated copy of Applicant's IDS form 1449 is attached to the Office action.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1- 5 and 7 – 9 are rejected under 35 U.S.C. 102(b) as being anticipated by McManis (Patent Number 5,757,914).

Regarding Claim 1, McManis teaches and describes a method for binding a program module (L1, L2, L3) in a terminal (MT), in which one or several programs (A, B)

are running, and in which method subroutines (P1, P2, P3) are stored in said program modules (L1, L2, L3), the program modules (L1, L2, L3) are provided with first tags (T1, T2, T3), wherein to start binding, the program makes a call (7) to a subroutine (P1, P2, P3), and the call (7) is supplemented with the first tags (T1, T2, T3) to select the program module (L1, L2, L3) for binding, in which the called subroutine (P1, P2, P3) is stored, characterized in that the tags (T1, T2, T3) are supplemented with second tags (LT1, LT2, LT3), that the call (7) is also supplemented with said second call data (PKx, PKy, PKz), and that in connection with the binding, said first tags (T1, T2, T3) stored in the program modules are compared with the first tags (T1, T2, T3) transmitted in the call (7), and the second tags (LT1, LT2, LT3) are compared with the second call data (PKx, PKy, PKz) transmitted in the call (7), wherein the program module to be bound is selected to be the program module which matches with the first tags (T1, T2, T3) and the second call data (PKx, PKy, PKz) transmitted in the call (Fig. 1 – 3B and Column 2 line 63 – Column 6 line 33).

Regarding Claim 7, McManis teaches and describes a terminal (MT) comprising means (H) for binding a program module (L1, L2, L3), which program modules (L1, L2, L3) contain stored subroutines (P1, P2, P3) and first tags (T1, T2, T3), and which terminal (MT) also comprises means (CTRL, MEM) for running programs (A, B), means (CTRL) for standing binding by performing in the program a call (7) to a subroutine (P1, P2, P3), the call (7) being supplemented with first call data (T1, T2, T3) to select that program module (L1, L2, L3) for binding in which the called subroutine (P1, P2,

P3) is stored, characterized in that the program modules (L1 , L2, L3) contain stored second tags (LTI, LT2, LT3); that the terminal also comprises means (CTRL, MEM) for adding second call data (PKx, PKy, PKz) to the call (7), means (H) for comparing said first tags (T1, T2, T3) stored in the program modules with the first call data (T1, T2, T3) transmitted in the call (7), means (H) for comparing the second tags (LTI , LT2, LT3) with the second call data (PKx, PKy, PKz) transmitted in the call (7), and means (H) for selecting a program module to be bound on the basis of said comparison (Fig. 1 – 3B and Column 2 line 63 – Column 6 line 33).

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, McManis teaches and describes a method for binding a program module (L1, L2, L3) in a terminal (MT), in which one or several programs (A, B) are running, and in which method subroutines (P1, P2, P3) are stored in said program modules (L1, L2, L3), the program modules (L1 , L2, L3) are provided with first tags (T1, T2, T3) (Fig. 1 – 3B and Column 2 line 63 – Column 6 line 33), characterized in that the second tags (LTI, LT2, LT3) to be formed in the program modules contain a digital signature (Fig. 1, 3A, 3B; and Column 3 lines 8 – 52).

Claim 4 is rejected as applied above in rejecting claim 1. Furthermore, McManis teaches and describes a method for binding a program module (L1, L2, L3) in a terminal (MT), in which one or several programs (A, B) are running, and in which method

subroutines (P1, P2, P3) are stored in said program modules (L1, L2, L3), the program modules (L1, L2, L3) are provided with first tags (T1, T2, T3) (Fig. 1 – 3B and Column 2 line 63 – Column 6 line 33), characterized in that the second tags (LT1, LT2, LT3) to be formed in the program modules are stored in an encrypted form (Fig. 1, 3A, 3B and Column 3 line 39 – column 4 line 39).

Claim 8 is rejected as applied above in rejecting claim 7. Furthermore, McManis teaches and describes a terminal (MT) comprising means (H) for binding a program module (L1, L2, L3), which program modules (L1, L2, L3) contain stored subroutines (P1, P2, P3) and first tags (T1, T2, T3) (Fig. 1 – 3B and Column 2 line 63 – Column 6 line 33), characterized in that the second tags (LT1, LT2, LT3) formed in the program modules contain a digital signature (Fig. 1, 3A, 3B; and Column 3 lines 8 – 52).

Claim 3 is rejected as applied above in rejecting claim 2. Furthermore, McManis teaches and describes a method for binding a program module (L1, L2, L3) in a terminal (MT), in which one or several programs (A, B) are running, and in which method subroutines (P1, P2, P3) are stored in said program modules (L1, L2, L3), the program modules (L1, L2, L3) are provided with first tags (T1, T2, T3) (Fig. 1 – 3B and Column 2 line 63 – Column 6 line 33), characterized in that the second call data are supplemented with a public key (PKx, PKy, PKz), on the basis of which the digital signature of the second call data formed in the program module is verified (Fig. 1, 3A and Column 3 line 39 – Column 6 line 10).

Claim 5 is rejected as applied above in rejecting claim 4. Furthermore, McManis teaches and describes a method for binding a program module (L1, L2, L3) in a terminal (MT), in which one or several programs (A, B) are running, and in which method subroutines (P1, P2, P3) are stored in said program modules (L1, L2, L3), the program modules (L1, L2, L3) are provided with first tags (T1, T2, T3) (Fig. 1 – 3B and Column 2 line 63 – Column 6 line 33), characterized in that the second call data are supplemented with a public key (PKx, PKy, PKz), on the basis of which the second tags (LT1, LT2, LT3) formed in the program modules are encrypted (Fig. 1, 3A, 3B and Column 3 line 39 – Column 6 line 10).

Claim 9 is rejected as applied above in rejecting claim 8. Furthermore, McManis teaches and describes a terminal (MT) comprising means (H) for binding a program module (L1, L2, L3), which program modules (L1, L2, L3) contain stored subroutines (P1, P2, P3) and first tags (T1, T2, T3) (Fig. 1 – 3B and Column 2 line 63 – Column 6 line 33), characterized in that the second call data are supplemented with a public key (PKx, PKy, PKz), on the basis of which the digital signature of the second call data formed in the program module is verified (Fig. 1, 3A and Column 3 line 39 – Column 6 line 10).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:



(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over McManis (Patent Number 5,757,914) in view of Puhl et al. (Patent Number 6,223,291).

Claim 6 is rejected as applied above in rejecting claim 4. Furthermore, McManis teaches and describes a method for binding a program module (L1, L2, L3) in a terminal (MT), in which one or several programs (A, B) are running, and in which method subroutines (P1, P2, P3) are stored in said program modules (L1, L2, L3), the program modules (L1, L2, L3) are provided with first tags (T1, T2, T3) (Fig. 1 – 3B and Column 2 line 63 – Column 6 line 33), where program modules (L1, L2, L3) are stored in a server (Fig. 1 – 3B and Column lines ). McManis does not disclose that the program modules (L1, L2, L3) are stored in a server communicating with a digital network, characterized in that the terminal (MT) used is a mobile terminal, and that the binding of the program modules (L1, L2, L3) is performed at least partly by messages complying with the WAP protocol (Fig. 1 – 3B). However, Puhl discloses a server coupled with wireless gateway delivering content items (software products, digital certificates) to the wireless devices using Wireless Application Protocol, WAP (Fig. 1, 4, 5; Column 1 line 35 – Column 6 line 16). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made loading a program module in a terminal for binding as taught by McManis using wireless application protocol, WAP as taught by Puhl to provide wireless communication for mobile clients. The motivation would be to provide only

authorized program calls for restricted program modules by verifying program module credentials in a wireless system using WAP.

Claim 10 is rejected as applied above in rejecting claim 7. Furthermore, McManis teaches and describes a terminal (MT) comprising means (H) for binding a program module (L1, L2, L3), which program modules (L1, L2, L3) contain stored subroutines (P1, P2, P3) and first tags (T1, T2, T3) (Fig. 1 – 3B and Column 2 line 63 – Column 6 line 33), comprising means (RF, DF, ANT) for binding program modules (L1, L2, L3) stored in a server (S) (Fig. 1 – 3B). McManis does not disclose that communicating with the Internet network (NW2), characterized in that the terminal (MT) is a mobile terminal, and that it comprises means (CTRL) for performing binding of the program modules (L1, L2, L3) at least partly by messages complying with the WAP protocol. However, Puhl discloses a server coupled with wireless gateway delivering content items (software products, digital certificates) to the wireless devices using Wireless Application Protocol, WAP (Fig. 1, 4, 5; Column 1 line 35 – Column 6 line 16). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made loading a program module in a terminal for binding as taught by McManis using wireless application protocol, WAP as taught by Puhl to provide wireless communication for mobile clients. The motivation would be to provide only authorized program calls for restricted program modules by verifying program module credentials in a wireless system using WAP.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Boebert et al. (Patent Number: 5,502,706) Data enclave and trusted path system.

Johnson et al. (Patent Number: 5,778,068) Personal access management system.

Harvey (Patent Number: 5,867,666) Virtual Interfaces with Dynamic binding.

Schell et al. (Patent Number: 6,615,350) Module Authentication and binding library extensions.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231 **or**  
**faxed to:** (703) 872-9306 for all formal communications.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 703-305-8912. The examiner can normally be reached on 8:00a.m. To 5:00p.m..

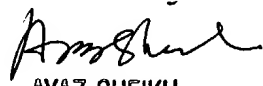
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Pramila Parthasarathy  
June 29, 2004

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100